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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,524	08/25/2003	Mike Saucier	82138	2268
37237	7590	12/13/2007		
JUAN J. LIZARRAGA			EXAMINER	
909 POYDRAS STREET, SUITE 2300			LAUX, JESSICA L	
NEW ORLEANS, LA 70112-1010				
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			12/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/647,524	SAUCIER ET AL.	
	Examiner	Art Unit	
	Jessica Laux	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,6,9,11,14,16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 6 is/are rejected.
- 7) ☒ Claim(s) 9,11,14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The indicated allowability of claim 4 is withdrawn in view of the newly discovered reference(s) to Frangos (5036951) and Orndorff et al (4699251). Rejections based on the newly cited reference(s) follow. Accordingly the finality of the rejection of the last Office action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orndorff et al (4699251) in view of Frangos (5036951).

Regarding claim 4: Orndorff et al discloses a concealed storage system comprising:

a. an encased chamber (the hoistway of the elevator shaft; Col. 1, lines 11-12) below a floor of a structure having an opening in said floor above the chamber (while Orndorff does not expressly disclose this limitation, it is notoriously common and well known for elevators to go between openings in floors in a building structure);

b. a support frame fixed in the chamber (Col. 2, lines 12-20);

c. a liftable frame (12) within the support frame; said liftable frame further comprising a top deck (44) and a bottom deck (22) wherein the top deck of the liftable frame further comprises an emergency exit hatch (Col. 4, lines 35-45);

d. a mechanism for vertically raising and lowering the liftable frame through the opening in the floor (Col. 2, lines 14-20, where Orndorff discloses possible means for vertical movement of the cab, without disclosing specific structure or mechanisms, but does disclose a traction system including rails and wires).

Frangos discloses an elevator lifting mechanism wherein the mechanism for raising and lowering a liftable frame through the opening in the floor further comprises a motor (Col. 5, lines 49-60) driving roller chain and sprocket assembly (Col. 5, lines 49-60), at least one lifting screw shaft (72) driven by the roller chain and sprocket assembly and one rolling ball screw nut (6) affixed to the liftable frame for each lifting screw shaft wherein said rolling ball screw nut is driven in a vertical direction by the lifting screw shaft.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical lifting means of Orndorff for the vertical lifting means as disclosed by Frangos because of its ease of installation and reliability. Further it has been held that the substitution of one known element for another that yields predictable results or has a reasonable expectation of success would have been obvious to one of ordinary skill and common sense (where elevator lifting platforms and lifting means of roller chain and sprocket assemblies with roller screw shafts and nut assemblies are both common in the art).

Regarding claim 6: The concealed storage system of claim 4 wherein the mechanism for raising and lowering the liftable frame through the opening in the floor further comprises a primary drive shaft (71) being rotated by the motor through a belt

and pulley assembly (Frangos does not expressly disclose a belt and pulley system, however it is noted that belt and pulley drive systems are notoriously common and well known in the art and it would have been obvious to one of ordinary skill to use such a system as the drive shaft of Frangos because of it is so common and therefore the parts and repair of such a system would be easy), said primary drive shaft driving the roller chain and sprocket assembly.

Claims 9, 11, 14, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art discloses a the lifting structure as in the rejected claims above, but does not teach, disclose, or suggest a lifting platform having a safe or storage compartment as presently claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/JEANETTE CHAPMAN/
PRIMARY EXAMINER

JL
11/30/2007